



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 13 2016

CERTIFIED MAIL 7016 0600 0000 3846 7749
RETURN RECEIPT REQUESTED

Mr. Bill Elmore, P.E.
Senior Vice President and Chief Operating Officer
Knoxville Utilities Board
P.O. Box 59017
Knoxville, Tennessee 37950-9017

Re: Civil Action File No.: 3:04-CV-568 and 3:03-CV-497
Knoxville Utilities Board Consent Decree
Consent Decree Non-Material Modification Request Approval, Reporting Requirements

Dear Mr. Elmore:

The United States Environmental Protection Agency Region 4 has received Knoxville Utilities Board's (KUB's) letter, dated November 10, 2016, requesting pursuant to Section XIX.E of the Consent Decree a non-material modification of the items to be addressed in the Quarterly Progress Reports and the Annual Management, Operation and Maintenance (MOM) Progress Reports required by Section XIX.A and B of the Consent Decree. In the letter, KUB proposes to rename the Annual MOM Progress Report to "Annual Progress Report" and that all Section XIX reporting requirements be incorporated into the new Annual Progress Report. KUB also provides as Attachment A to its letter revised language for Section XIX of the Consent Decree that reflects this proposed modification. A copy of this revised Section XIX is also attached to this letter.

After consultation with the Tennessee Department of Environment and Conservation, the EPA hereby approves this revised Section XIX as a non-material modification to the Consent Decree. We agree that less frequent reporting is now appropriate as a result of the narrower scope of the remaining work to be performed under the Consent Decree. Please note that we will provide notice to the Court of this modification to ensure its record is up to date.

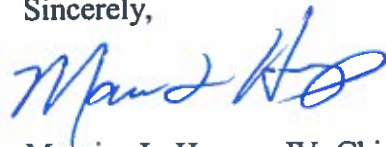
KUB also requests in its November 10, 2016, letter the EPA's concurrence that KUB has successfully completed the work required under Section VII of the Consent Decree before the Consent Decree's December 31, 2016, deadline (except for those obligations to complete the Composite Correction Plan set forth in Section VII.D.1(a)(v) of the Consent Decree which has later deadlines). The EPA recognizes the significant wastewater improvements achieved by KUB through its implementation of the Consent Decree. The EPA acknowledges that to date KUB has "timely" submitted all "Deliverables" required by Section VII of the Consent Decree, as such terms are defined in the Consent Decree. In addition, KUB previously submitted to the EPA Quarterly Progress Reports and Annual MOM Progress Reports that were certified in accordance with Section XVIII.D of the Consent Decree. In those Quarterly Progress Reports, KUB duly reported to the EPA when the work required under Section VII.C (Sanitary Sewer Overflow Evaluation Reports and Corrective Action Plan/Engineering Reports) and

Section VII.D.1.(a).(iv) (Comprehensive Performance Evaluation Program for Wastewater Treatment Plants) had been successfully completed. The EPA reviewed and accepted these Quarterly Progress Reports upon their submittal. Further, in those Annual MOM Progress Reports, KUB duly reported on its ongoing commitment to successfully implement the MOM Programs set forth Section VII.D and E. The EPA also reviewed and accepted these Annual MOM Progress Reports upon their submittal. While the EPA has not independently verified the basis for KUB's certifications regarding the successful completion and implementation of such work, the EPA has no reason at this time to believe that the reports are inaccurate.

The EPA also acknowledges that successful implementation of the MOM Programs set forth in Section VII.D and E are never completed as it is an ongoing and continuous process and thus an obligation under the Consent Decree until it is terminated pursuant to Section XXIV.

If you have any questions, you may contact Mr. Dennis Sayre at (404) 562-9756 or by email at sayre.dennis@epa.gov. Legal inquiries should be directed to Mr. Bill Bush, Associate Regional Counsel, at (404) 562-9538 or by email at bush.william@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maurice L. Horsey, IV".

Maurice L. Horsey, IV, Chief
Municipal & Industrial Enforcement Section
NPDES Permitting & Enforcement Branch

Enclosure

cc: Ms. Tisha Benton
Tennessee Department of Environment and Conservation

Mr. John West
Tennessee Department of Environment & Conservation

Ms. Renée Victoria Hoyos
Tennessee Clean Water Network

Ms. Madeline Rogero
City of Knoxville

Mr. Hiram G. Tipton
Hodges, Doughty & Carson, PLLC

Ms. Patricia L. Hurst
Washington, DC

XIX. REPORTING REQUIREMENTS

A. *Deleted.*

B. Beginning on March 1, 2017, and every twelve (12) Months thereafter until termination of this Consent Decree, KUB shall submit to the Parties, and simultaneously place in the PDR, an Annual Progress Report. The Annual Progress Report shall cover the most recent Calendar Year. The Annual Progress Report shall not be subject to the Public Review Requirement of Section VI.A.2. However, KUB shall accept questions and comments from the public for KUB's review for a period of twenty (20) Days following placement in the PDR.

Each Annual Progress Report shall contain:

1. A summary of compliance with and activities related to implementation of the CCP;
2. A summary of implementation of and compliance with the Process Controls Program;
3. A total amount of banked credits available by Sewerbasin for use in future development if capacity cannot be certified and any exceptions granted for connections for essential services under the Capacity Assurance Program.
4. Identification of any transfer of an ownership interest, operation, management, or other control of the Treatment Works, or any portion thereof.
5. A description of the status of compliance or non-compliance with the requirements of this Decree and, if applicable, the reasons for non-compliance, including a list of all violations that are subject to stipulated penalties under Section X of this Decree.

ATTACHMENT A

6. A spreadsheet and summary of all SSOs, Bypasses, Diversions and effluent limitation violations that occurred during the most recent Calendar Year.
Information on Building Backups may be provided in separate spreadsheets and summaries from other SSOs. The spreadsheets and summaries shall identify:
 - a. For all SSOs; the location, source, date, time, duration, pathway (if any), receiving water (if any), the identification of the treatment plant Sewerbasin in which each SSO is located, the reason for each SSO, the total SSO volume, the volume returned to the WCTS, the volume not captured, and category of corrective action planned, underway or completed with regard to the SSO (e.g, short term project, long term sewer basin project, blockage abatement, etc.);
 - b. For all Bypasses and Diversions, the location, date, time, duration, volume and reason for each Bypass and Diversion; and the total Bypass and Diversion volumes;
 - c. For all effluent limit violations, all information required to be reported on KUB's Discharge Monitoring Reports.
7. The water quality monitoring data and other information required pursuant to Section VII.D.1.(e).(v).
8. Grease-Related Information.
 - a. A summary table identifying for the reporting period: (i) A listing of the number of grease related blockages causing or relating to SSOs; and (ii) corrective actions to address such grease related blockages causing or relating to SSOs.

ATTACHMENT A

- b. A narrative summary of grease program activities for the reporting period.
 - 9. A summary of MOM program implementation for the following Work:
 - a. A summary of Continuing Sewer System Assessment Program activities undertaken to assess the condition of the WCTS during the reporting period, including information on assessment of manholes, gravity mains, force mains, pump stations and laterals;
 - b. A summary of Infrastructure Rehabilitation Program projects, including a spreadsheet listing of projects for the reporting period and projects continuing from previous reporting periods but not yet completed;
 - c. An update on procedures, response times and public reporting information associated with SSOs that demonstrate continued effectiveness of the Sewer Overflow Response Plan; and
 - d. A summary table of Gravity Line Preventative Maintenance Program activities conducted during the reporting period including information regarding the cleaning and maintenance of the gravity collection system.
 - 10. A representation that the Other MOM Programs continue to be implemented in substantially the same manner as represented in Appendix A and the documents identified therein.
 - 11. A summary of Private Lateral Program activities undertaken during the reporting period including the number of Private Laterals repaired.
- C. Compliance with this Section does not relieve KUB of any other reporting obligation

ATTACHMENT A

imposed under any law, regulation, or permit.

D. Notification to EPA or TDEC pursuant to this Section of an anticipated delay shall not by itself excuse the delay or otherwise satisfy the notification requirements set forth in Section XI (Force Majeure).

E. KUB may request in writing a modification of the items to be addressed in the Annual MOM Report. Any such modification is a Non-Material Modification under Section XXI (Modification).